

**REMARKS:**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this Amendment Under Rule 116 is merited as it raises no new issues and requires no further search.

Responsive to the approval of the proposed drawing correction of January 3, 2003, Applicants now submit corrected drawings concurrently herewith.

Claims 1-17 remain pending. Claim 18 is cancelled.

Applicants note that the Examiner has not provided any further information (save one sentence in reference to newly added claim 18) in response to Applicants previous Amendment filed January 3, 2003. In fact, the Examiner has not addressed any of Applicants arguments or requests, i.e. there has been no answer by the Examiner of the material traversed by Applicants. For example, the Examiner was requested to provide a reference showing or teaching cover panels having an interior surface corresponding in shape to an exterior surface of the side panels. For at least this reason, the finality of the present action is requested to be withdrawn and a response to at least the material traversed by the Applicants provided.

For the sake of completeness, Applicants' remarks from the Amendment filed on January 3, 2003 are hereby incorporated herein by reference in their entirety.

The rejection of claims 1-5, 7-9, 11-15, and 17 under 35 U.S.C. 103(a) as being unpatentable over Crane Jr. et al. (U.S. Patent 5,941,617) in view of Bockenstette (U.S. Patent 3,779,374) is hereby traversed.

Respectfully, the Examiner erroneously continues to assert that Crane teaches a computer case having opposite side panels where the side panels are deemed, by the Examiner, to be elements in the enclosure of Crane (column 3, lines 61-67). The Examiner is incorrect as Crane teaches only that the "computer housing 10 includes a enclosure or skeleton in which internal computer components are received" and to which the decorative panels are attached. There is no description, suggestion, or teaching of cover panels, as claimed in claim 1, to be found in Crane.

The Crane decorative panels: (1) "are attached to the enclosure or skeleton by fasteners 12" (Crane at column 4, lines 4-5); (2) are "constructed of any appropriate rigid

and/or shock resistant material" (Crane at column 4, lines 62-63); (3) "if a rubber material is utilized, the interior components of the computer will be insulated/protected from exterior vibration/physical shock of the computer housing" (Crane at column 5, lines 5-8); and (4) include mounting holes to "allow the entire computer housing 10 to be mounted to a base or suspended from a wire above the conventional work surface (Crane at column 4, lines 31-33). Each of these points is now addressed.

First, Crane describes the decorative panels as being attached to the enclosure or skeleton of the computer housing without reference to any side panels attached to or covering the recited skeleton. The decorative panels are not affixed on top of any side panels or attached through any side panels to the enclosure or skeleton.

Second, the decorative panels, as described, are constructed to act as side panels. For example, the decorative panels are constructed of rigid and shock resistant material, the purpose of which would be to protect the case and internal components in the same manner as side panels.

Third, and related to the point above, Crane reinforces the fact that the decorative panels are side panels by protecting interior computer components through construction of the decorative panels using a rubber material. Again, the decorative panels are constructed and used in the same manner as side panels evidencing that the decorative panels are in fact the side panels.

Fourth, the decorative panels include mounting holes for mounting the computer to a base or suspended from above without requiring any alignment with or creation of holes in the Examiner-asserted preexisting side panels. This is because the decorative panels are the Crane side panels. In a related manner, the description of vent and connector holes in the decorative panels lacks any mention of alignment with or creation of alignment holes in any underlying side panels, see e.g. column 3, lines 53-56, column 4, lines 48-51, and column 5, lines 58-60. In particular, each of the foregoing recitations specifically refer to the air flow bores as extending completely through the decorative panel to allow air flow through the decorative panel and into the computer interior. There is no description of an intermediate side panel between the decorative panel and the computer interior because the intermediate side panel is the decorative panel.

Further related, and as further evidence of the decorative panels being side panels, Crane describes the use of EMI/RFI shielding material in conjunction with the decorative panels. EMI/RFI shielding material would not be necessary except for the fact the decorative panels are the side panels of the computer in contrast to the Examiner's assertion.

For at least each of the above reasons, the computer case of Crane does not include side panels and thereby the decorative panels of Crane are, in reality, the side panels and do not correspond to the pair of cover panels claimed in claim 1.

Further, the Examiner reiterates the admission that Crane fails to teach that the feet are elastomeric and attempts to combine Crane with Bockenstette to overcome the deficiency. The Examiner asserts that a person of skill in the art would have been motivated to "modify" the feet of Crane to use the elastomeric feet of Bockenstette because the elastomeric feet would provide the ability to flex with a torsional movement and an inward bending movement in response to axial movement and the ability to fasten lapped panels together without the use of any tools. The Examiner's asserted motivation is not understood as there is no suggestion to combine the elements of the references cited. The Examiner has merely stated a property of the elastomeric feet of Bockenstette without identifying any suggestion of the use of this property, or the Bockenstette feet, in either the Bockenstette or Crane references. The Examiner is requested to provide clarification regarding the asserted motivation for combination.

Further still, the Examiner's assertion regarding fastening lapped panels together without the use of tools is incorrect for at least two reasons. First, as described above, Crane does not describe lapped panels requiring fastening. The decorative panels, i.e. the side panels, of Crane are attached directly to the skeleton of the computer housing and there is no lapping of panels. Second, the Examiner has failed to identify in either reference a suggestion, teaching, or description of fastening panels together without the use of tools as asserted by the Examiner. It appears that the Examiner may be improperly relying on hindsight to propose the asserted motivation as there is no evidence in either reference providing support. For at least each of these reasons, the combination of Crane with Bockenstette is improper.

**Serial No. 09/773,556**

For at least the above reasons, claim 1 is patentable over the Crane in view of Bockenstette and the rejection should be withdrawn.

The rejection of claims 1-4, 7-9, 11-14, and 17 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Patent 5,947,570) in view of Bockenstette (U.S. Patent 3,779,374) is hereby traversed.

The Examiner asserts that Anderson teaches a computer case having cover panels where the cover panels are elements 86 (Figure 7). However, the plain language of Anderson refutes the Examiner's assertion by stating that elements 86 are, in fact, "side panels" (Anderson at column 8, line 63). "Each side panel 86 is arranged over a respective outermost major side 14 of the modular enclosure 12, to cover the major sides 14 of the modular enclosure 12." Anderson at column 8, lines 63-66. The Anderson side panels 86 are not cover panels and, additionally, do not have an interior surface corresponding in shape to an exterior surface of the side panels as asserted by the Examiner.

Further, the Examiner admits that Anderson fails to teach elastomeric feet and attempts to combine Anderson with Bockenstette to overcome the deficiency. or the reasons discussed above with respect to the combination of Crane and Bockenstette, the Examiner has failed to identify any motivation, in either of the references, for combining the references. Accordingly, it is requested that the Examiner withdraw the obviousness rejection.

For at least the above reasons, claim 1 is patentable over Anderson in view of Bockenstette and the rejection should be withdrawn.

The rejection of claims 6, 10, and 16 under 35 U.S.C. 103(a) as being unpatentable over Crane in view of Bockenstette and in view of Johnson (U.S. Patent 3,803,670) and Anderson in view of Bockenstette and further in view of Johnson is hereby traversed.

For the reasons discussed above with respect to the combination of Crane and Bockenstette and Anderson and Bockenstette, Johnson fails to overcome the deficiencies discussed above. Accordingly, for at least the reasons discussed above, claims 6, 10, and 16 are patentable over the applied combinations of references and the obviousness rejections should be withdrawn.

**Serial No. 09/773,556**

Claims 2-7 depend, either directly or indirectly, from claim 1, include further important limitations, are patentable for at least the reasons advanced above with respect to claim 1, and the rejection should be withdrawn.

Claims 8 and 11 are patentable for reasons similar to the reasons advanced above with respect to claim 1 and the rejection should be withdrawn. Claims 9 and 10, and claims 12-17 depend, either directly or indirectly, from claims 8 and 11, respectively, include further important limitations, are patentable for at least the reasons advanced above with respect to claims 8 and 11, respectively, and the rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, please charge any shortage in fee due in connection with this filing to Deposit Account No. 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

  
Randy A. Noranbrock  
Registration No. 42,940

Date: May 20, 2003  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
KMB:RAN:sbs